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# **Judiciary Committee**

**Wednesday, January 25, 2006  
9:30 A.M. – 12:00 P.M.  
Morris Hall  
(17 HOB)**

## **Amendment Packet**



**EXPLANATION OF AMENDMENTS HJR 39:  
LIMITATIONS ON PROPERTY TAX ASSESSMENTS**

**Amdt 1 by Rep. Farkas (remove lines 27-57):**

This amendment provides/clarifies that the provisions of the joint resolution extend the “Save Our Homes” limitation on annual increases in the assessed value of homestead property to all real property.

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill:

Representative(s) Farkas offered the following:

**Amendment (with ballot statement and title amendments)**

Remove line(s) 27 through 57 and insert:

(c) The assessment of real property, other than property assessed under subsections (a) and (d), shall change only as provided herein. ~~All persons entitled to a homestead exemption under Section 6 of this Article shall have their homestead assessed at just value as of January 1 of the year following the effective date of this amendment. This assessment shall change only as provided herein.~~

(1) Assessments subject to this provision shall be changed annually on January 1st of each year; but those changes in assessments shall not exceed the lower of the following:

a. Three percent (3%) of the assessment for the prior year.

b. The percent change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

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(2) No assessment shall exceed just value.

(3) In the event property no longer qualifies for assessment under subsection (a) or (d), that property shall be assessed at just value as of January 1 of the year following the date the property ceased to qualify for assessment under those subsections. After any change of ownership, as provided by general law, homestead property shall be assessed at just value as of January 1 of the following year. Thereafter, the property homestead shall be assessed as provided herein.

~~(4) New homestead property shall be assessed at just value as of January 1st of the year following the establishment of the homestead. That assessment shall only change as provided herein.~~

~~(4)(5)~~ Changes, additions, reductions, or improvements to homestead property shall be assessed as provided for by general law; provided, however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided herein.

===== B A L L O T S T A T E M E N T A M E N D M E N T =====

Remove line(s) 93 and insert:

expand to additional types of property the limitations

===== T I T L E A M E N D M E N T =====

Remove line(s) 4 and insert:

limitations on assessments of



**EXPLANATION OF AMENDMENTS HB 145:  
REPEAL OF JOINT AND SEVERAL LIABILITY**

**Amdt 1 by Rep. Seiler (remove lines 13-74):**

This amendment strikes all the paragraphs in existing s. 768.81, including (d) and (e), and inserts language that requires the trier of fact to apportion the total fault among the claimant and those parties to the action who may be held legally liable.

**Amdt 2 by Rep. Seiler (between lines 74 & 75):**

This amendment inserts a new section 2 that repeals s. 766.118, F.S., relating to the determination of noneconomic damages in medical malpractice suits (caps).

**Amdt 3 by Rep. Seiler (between lines 74 & 75) :**

This amendment inserts a new section 2 that provides, except for sovereign immunity protections, that no person or entity is immune from civil liability for negligence.

## HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 145

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
 ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
 ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
 FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
 WITHDRAWN \_\_\_\_\_ (Y/N)  
 OTHER \_\_\_\_\_

1 Council/Committee hearing bill: Judiciary Committee

2 Representative Seiler offered the following:

3  
4 **Amendment (with title amendment)**

5  
6 Remove lines 13 through 74, and insert:

7  
8 (3) APPORTIONMENT OF DAMAGES.--In cases to which this  
9 section applies, the trier of fact shall apportion the total  
10 fault for the occurrence giving rise to the legal proceeding  
11 among the claimant and those parties to the action who may be  
12 held legally liable, and the court shall enter judgment against  
13 each party liable on the basis of such party's percentage of  
14 fault and not on the basis of the doctrine of joint and several  
15 liability. ~~except as provided in paragraphs (a), (b), and (c):~~

16 ~~(a) Where a plaintiff is found to be at fault, the~~  
17 ~~following shall apply:~~

18 ~~1. Any defendant found 10 percent or less at fault shall~~  
19 ~~not be subject to joint and several liability.~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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20       ~~2. For any defendant found more than 10 percent but less~~  
21 ~~than 25 percent at fault, joint and several liability shall not~~  
22 ~~apply to that portion of economic damages in excess of \$200,000.~~

23       ~~3. For any defendant found at least 25 percent but not~~  
24 ~~more than 50 percent at fault, joint and several liability shall~~  
25 ~~not apply to that portion of economic damages in excess of~~  
26 ~~\$500,000.~~

27       ~~4. For any defendant found more than 50 percent at fault,~~  
28 ~~joint and several liability shall not apply to that portion of~~  
29 ~~economic damages in excess of \$1 million.~~

30  
31 ~~For any defendant under subparagraph 2., subparagraph 3., or~~  
32 ~~subparagraph 4., the amount of economic damages calculated under~~  
33 ~~joint and several liability shall be in addition to the amount~~  
34 ~~of economic and noneconomic damages already apportioned to that~~  
35 ~~defendant based on that defendant's percentage of fault.~~

36       ~~(b) Where a plaintiff is found to be without fault, the~~  
37 ~~following shall apply:~~

38       ~~1. Any defendant found less than 10 percent at fault shall~~  
39 ~~not be subject to joint and several liability.~~

40       ~~2. For any defendant found at least 10 percent but less~~  
41 ~~than 25 percent at fault, joint and several liability shall not~~  
42 ~~apply to that portion of economic damages in excess of \$500,000.~~

43       ~~3. For any defendant found at least 25 percent but not~~  
44 ~~more than 50 percent at fault, joint and several liability shall~~  
45 ~~not apply to that portion of economic damages in excess of \$1~~  
46 ~~million.~~

47       ~~4. For any defendant found more than 50 percent at fault,~~  
48 ~~joint and several liability shall not apply to that portion of~~  
49 ~~economic damages in excess of \$2 million.~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

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51 ~~For any defendant under subparagraph 2., subparagraph 3., or~~  
52 ~~subparagraph 4., the amount of economic damages calculated under~~  
53 ~~joint and several liability shall be in addition to the amount~~  
54 ~~of economic and noneconomic damages already apportioned to that~~  
55 ~~defendant based on that defendant's percentage of fault.~~

56 ~~(c) With respect to any defendant whose percentage of~~  
57 ~~fault is less than the fault of a particular plaintiff, the~~  
58 ~~doctrine of joint and several liability shall not apply to any~~  
59 ~~damages imposed against the defendant.~~

60 ~~(d) In order to allocate any or all fault to a nonparty, a~~  
61 ~~defendant must affirmatively plead the fault of a nonparty and,~~  
62 ~~absent a showing of good cause, identify the nonparty, if known,~~  
63 ~~or describe the nonparty as specifically as practicable, either~~  
64 ~~by motion or in the initial responsive pleading when defenses~~  
65 ~~are first presented, subject to amendment any time before trial~~  
66 ~~in accordance with the Florida Rules of Civil Procedure.~~

67 ~~(e) In order to allocate any or all fault to a nonparty~~  
68 ~~and include the named or unnamed nonparty on the verdict form~~  
69 ~~for purposes of apportioning damages, a defendant must prove at~~  
70 ~~trial, by a preponderance of the evidence, the fault of the~~  
71 ~~nonparty in causing the plaintiff's injuries.~~

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73 ===== T I T L E A M E N D M E N T =====

74 Remove line 3, and insert:

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76 actions; amending s. 768.81, F.S.; providing for apportionment  
77 of fault; deleting exceptions to  
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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amdt. 2

Amendment No. (for drafter's use only)

Bill No. HB 145

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: Judiciary Committee  
Representative Seiler offered the following:

**Amendment (with title amendment)**

Between lines 74 and 75, insert:

Section 2. Section 766.118, Florida Statutes, is hereby  
repealed.

===== T I T L E A M E N D M E N T =====

Remove line 5, and insert:

instead of joint and several liability; repealing s.  
766.118, F.S.; relating to determination of noneconomic  
damages in medical malpractice cases; providing

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Amendment No. (for drafter's use only)

Bill No. HB 145

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

Council/Committee hearing bill: Judiciary Committee  
Representative Seiler offered the following:

**Amendment (with title amendment)**

Between lines 74 and 75, insert:

Section 2. Except for entities to which the provisions of s. 768.28, Florida Statutes, apply; notwithstanding any other provision of law to the contrary, no person, as defined in s. 1.01(3), Florida Statutes, shall be immune or presumed immune from civil liability for damages arising from the person's negligence. For purposes of this section, "negligence" includes wrongful acts or omissions based upon theories of negligence, strict liability, products liability, professional malpractice, whether couched in terms of tort or contract, or breach of warranty and like theories.

RENUMBER SUBSEQUENT SECTION

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

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===== T I T L E   A M E N D M E N T =====

Remove line 5 and insert:

instead of joint and several liability; providing  
that no person shall be immune from damages for  
negligence and providing an exception; providing